

U.S. Application No. 10/774,370

Amendments to the Drawings

The attached sheet of drawings includes changes to Figs. 2(A) and 2(B). In Figs. 2(A) and 2(B), the legend "PRIOR ART" is added.

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U.S. Application No. 10/774,370

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The Applicants request reconsideration of the rejection.

Claims 12-21 remain pending, with claims 16-17 and 19-21 withdrawn pursuant to a prior Restriction Requirement.

The Examiner objected to the specification, requiring the status of the parent application to be updated. The Applicants have amended the specification to add the U.S. patent number.

The Examiner also objected to the drawings as failing to contain a "Prior Art" legend for Figs. 2(A) and 2(B). The Applicants submit herewith a Replacement Sheet of Figs. 2(A) and 2(B) bearing the "Prior Art" legend.

The Examiner further objected to the abstract as being greater than 150 words and as failing to be directed to the claimed invention. A substitute abstract attached to this paper addresses the Examiner's concerns.

Further, a new title is provided in accordance with the Examiner's suggestion.

The Examiner objected to claims 15 and 18 as containing the minor informalities set forth on page 4 of the Office Action. Claims 15 and 18 have been amended to address the Examiner's concern.

Claims 12, 15 and 18 were rejected under 35 U.S.C. §102(b) as being anticipated by Gaud, U.S. Patent No. 5,604,973 (Gaud). Claims 13-14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Gaud in view of JP 58-121124 (JP '124).

The Applicants respectfully traverse these rejections, noting that the primary reference to Gaud, upon which each rejection relies, fails to disclose a recess corresponding to the recess formed according to claim 12. More specifically claim

U.S. Application No. 10/774,370

12 recites a step of "forming a recess in the magnetic layer on the trailing side of the air bearing surface thereof" (as amended). Gaud, on the other hand, is cited as disclosing a recess formed in magnetic material 78.

However, the recess formed according to Gaud is not formed on the trailing side of the air bearing surface of the magnetic head. Rather, as shown in Fig. 3q of the patent, the portion of the magnetic material in which the recess 78 was formed (and later removed prior to the formation of the magnetic head) is actually parallel to the radius of the disk, and thus not at the trailing side of the air bearing surface of the head.

Furthermore, because Gaud removes the recess by planarizing until the vertical wall 68 is reached for separating the magnetic materials within the two recesses (col. 5, lines 35-37), the magnetic head formed according to Gaud does not, in fact, have a recess in the magnetic layer. Accordingly, claim 12 is not anticipated or rendered obvious by Gaud.

Because JP '124 does not supply the feature missing from Gaud, the combination with Gaud cannot be said to render obvious claim 12.

Furthermore, because claim 12 is patentably distinguishable from Gaud, taken individually or in view of JP '124, it necessarily follows that dependent claims 13-15 and 18 are patentably distinguishable as well. Accordingly, the Applicants respectfully submit that claims 12-15 and 18 are free of the prior art of record.

In view of the foregoing amendments and remarks, the Applicants request reconsideration of the rejection and allowance of the claims.


To the extent necessary, Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of

U.S. Application No. 10/774,370

this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Mattingly, Stanger, Malur & Brundidge, P.C., Deposit Account No. 50-1417 (referencing attorney docket no. NIT-320-02).

Respectfully submitted,

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.



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Attachment: Replacement Sheet